

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
Attorneys at Law
Donald M. Lomurro, Esq. (N.J. Attorney ID: 016801976)
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4 Paragon Way, Ste. 100
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(732) 414-0300
Attorneys for Plaintiff

DANA FIORE, as Administratrix
ad Prosequendum for the heirs
at law of ERIC DEAN LARSON,
deceased; ESTATE OF ERIC DEAN
LARSON by Administratrix,
DANA FIORE; and DANA FIORE,
Individually

Plaintiffs,

vs.

JACKSON TOWNSHIP; OFFICER
CHERRICK DANIELS; JOHN DOES
1-10 (fictitious names) and
ABC CORPORATIONS 1-10,
(fictitious names)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO.: OCN-L-1777-19

CIVIL ACTION

SUMMONS

RECEIVED
MUNICIPAL CLERK'S OFFICE
2019 JUL 18 P 3:13

From the State of New Jersey, To the Defendant(s) Named Above:

**Jackson Township
95 W. Veterans Highway
Jackson, New Jersey 08527**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf. If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer

the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deputyclerklawref.pdf.

Dated: July 15, 2019

Michelle M. Smith /s/
Michelle M. Smith, Clerk

Name of defendant to be served: Jackson Township

Registered Agent:

Address of the Defendant 95 W. Veterans Highway
Jackson, New Jersey 08527

or Registered Agent to be served:

*\$175.00 CHANCERY DIVISION CASES OR \$175.00 FOR LAW DIVISION CASES WITHOUT A COUNTERCLAIM OR THIRD PARTY CLAIM OR \$250.00 FOR LAW DIVISION CASES WITH A COUNTERCLAIM OR THIRD PARTY CLAIM

Revised 11/17/2014, CN 10792-English (Appendix X11-A)

Note: Adopted July 13, 1994, effective September 1, 1994; amended June 28, 1996, effective September 1, 1996; address/phone information updated

July 1, 1999, effective September 1, 1999; amended July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006; address/phone information updated October 10, 2006 to be effective immediately; address/phone information updated November 1, 2006 to be effective immediately; address/phone information updated November 17, 2006 to be effective immediately; amended July 23, 2010 to be effective September 1, 2010; amended and Directory of Superior Court Deputy Clerk's Offices, County Lawyer Referral, and Legal Services Offices deleted July 19, 2012 to be effective September 4, 2012.

DONALD M. LOMURRO, ESQUIRE
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(732) 414-0300

Attorney for Plaintiffs

DANA FIORE, as Administratrix ad
Prosequendum for the heirs at
law of ERIC DEAN LARSON,
deceased; ESTATE OF ERIC DEAN
LARSON by Administratrix, DANA
FIORE; and DANA FIORE,
Individually

Plaintiffs,

v.

JACKSON TOWNSHIP; OFFICER
CHERRICK DANIELS; JOHN DOES 1-10
(fictitious names) and ABC
CORPORATIONS 1-10, (fictitious
names)

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY

Docket No:

Civil Action

COMPLAINT, JURY DEMAND AND
DESIGNATION OF TRIAL COUNSEL

Plaintiff, Dana Fiore, as Administratrix ad Prosequendum
for the heirs at law of Eric Dean Larson, deceased; Estate of
Eric Dean Larson by Administratrix, Dana Fiore and Dana Fiore,
Individually, residing at 459 Pfister Road, in the Township of
Jackson, County of Ocean and State of New Jersey, by way of
complaint against the defendants, say:

PARTIES

1. At all times relevant herein, plaintiff, Dana Fiore,
as Administratrix Ad Prosequendum for the heirs at law of Eric

Dean Larson, deceased; Estate of Eric Dean Larson by Administratrix, Dana Fiore and Dana Fiore, Individually, was and is a resident of the Township of Jackson, County of Ocean and State of New Jersey.

2. The plaintiff, Dana Fiore qualified as Administratrix as Prosequendum for the heirs at law of Eric Dean Larson, deceased, on November 13, 2018.

3. Plaintiff's decedent, Eric Dean Larson, died on July 27, 2018 and left surviving him as heirs at law, his daughter, Mikayla and his parents, Dana Fiore, the named plaintiff, and Kenneth Larson who have sustained pecuniary damages from the death of Eric Dean Larson.

4. At all times relevant herein, defendant, Jackson Township, was an is a public municipal body and corporation entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business located at 95 West Veterans Highway, Jackson, New Jersey. Defendant, Jackson Township, owns, operates, manages, directs and otherwise controls the Jackson Township Police Department.

5. At all times relevant herein, defendant, Officer Cherrick Daniels, was and is an employee, agent and/or servant of defendant, Jackson Township, arising under the color of

state, county, township, and/or other entities law, statutes, ordinances, policies, regulation, and/or procedures, and is being sued in his official and individual capacity.

6. At all times relevant herein, defendants, John Does 1-10, (fictitious names) and ABC Corporations 1-10, (fictitious names) are as yet unknown and unidentified individuals, officers, agents, servants, supervisors, employees, corporations or other entities of defendant, Jackson Township or County of Ocean, or State of New Jersey acting under the color of state, county, township, and/or other entities laws, statutes, ordinances, policies, regulations, and/or procedures, and are being sued in their official and individual capacity who were entrusted with the operations, control, hiring, supervision, staffing, route management, policy and/or procedure management for defendant, Jackson Township and the Jackson Township Police Department.

NOTICE OF CLAIM

7. Plaintiff served a Notice of Claim for damages in the form prescribed by New Jersey Statutes Title 59:8-4 upon the defendants.

8. More than six (6) months have elapsed since service of the plaintiff's Notice of Claims and the claims remain unresolved.

9. This action commenced within two (2) years from the date of death of decedent.

FACTUAL ALLEGATIONS

10. On or about July 5, 2018, at or around 10:20 p.m., plaintiff's decedent, Eric Dean Larson was the operator of a motor vehicle, making a left turn from Oak Drive onto South New Prospect Road heading north, in the Township of Jackson, County of Ocean and State of New Jersey.

11. This area of Oak Drive and South New Prospect Road is a residential area with numerous residential homes and businesses throughout its length.

12. At the time, plaintiff's decedent was turning left onto South New Prospect Road, defendant, Cherrick Daniels, a Jackson Township Police Officer, who at all times relevant was acting under the scope of his employment and color of the law, was traveling on South New Prospect Road in excess of the speed limit in pursuit of a suspected speeding vehicle.

13. Defendant Officer Cherrick Daniels, pursuant to the policies and procedures of Jackson Township, had complete discretion with respect to his speed limit, and related safety precautions to better be in control of his vehicle and/or alert the general public as to his speed.

14. At all times relevant herein, defendant Cherrick Daniels, operated his Jackson Township patrol vehicle with an understanding:

- a. He was pursuing a suspected speeding vehicle
- b. He was driving in excess of 65 mph
- c. The speed limit on South New Prospect Road is 40 mph
- d. There are residences and businesses along South New Prospect Road
- e. It was dark
- f. He violated police standards for pursuit of a driver.

15. Despite the aforementioned conditions of which defendant, Officer Cherrick Daniels, was aware, he used his discretion to operate his vehicle in excess of 65 mph.

16. Defendant, Officer Cherrick Daniels, made this decision based all or in part on the directions, training, supervision, policies, procedures, and/or custom of defendant, Jackson Township.

17. The above conduct of all defendants resulted in defendant, Officer Cherrick Daniels causing and contributing to the death of plaintiff's decedent, Eric Dean Larson.

18. The above conduct of all the defendants was the proximate cause of plaintiff's decedent, Eric Dean Larson injuries and death.

FIRST COUNT

19. Plaintiff incorporates the averments of paragraphs 1 through 18, as if fully set forth at length herein.

20. Defendant, Officer Cherrick Daniels, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 65 mph with an understanding:

- a. He was driving in excess of 65 mph
- b. The speed limit on South New Prospect Road is 40 mph
- c. There are residences and businesses along South New Prospect Road
- d. It was dark
- e. He violated police standards for pursuit of a driver.

21. As a direct and proximate result of the aforesaid intentional, negligent, careless, and/or reckless, conduct of defendant, Officer Cherrick Daniels, the plaintiff's decedent, Eric Dean Larson suffered severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased

demands judgment in her favor and against defendant, Officer Cherrick Daniels, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

SECOND COUNT

22. Plaintiff incorporates the averments of paragraphs 1 through 21, as if fully set forth at length herein.

23. Defendant, Officer Cherrick Daniels, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 65 mph with an understanding:

- a. He was driving in excess of 65 mph
- b. The speed limit on South New Prospect Road is 40 mph
- c. There are residences and businesses along South New Prospect Road
- d. It was dark
- e. He violated police standards for pursuit of a driver.

24. As a result of the negligence of the defendant, Officer Cherrick Daniels, as aforesaid, plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his

usual employment and other activities until his death on July 27, 2018.

25. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendant, Officer Cherrick Daniels, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

THIRD COUNT

26. Plaintiff incorporates the averments of paragraphs 1 through 25, as if fully set forth at length herein.

27. Defendant, Officer Cherrick Daniels, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 65 mph with an understanding:

- a. He was driving in excess of 65 mph
- b. The speed limit on South New Prospect Road is 40 mph
- c. There are residences and businesses along South New

Prospect Road

d. It was dark

e. He violated police standards for pursuit of a driver.

28. The above actions of defendant, Officer Cherrick Daniels violated the Attorney General's vehicle pursuit guidelines and in addition violated the guidelines of Jackson Township's Operating Procedures for vehicle pursuit.

29. As a direct and proximate result of the aforesaid intentional, negligent, careless, and/or reckless, conduct of defendant, Officer Cherrick Daniels, the plaintiff's decedent, Eric Dean Larson suffered severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendant, Officer Cherrick Daniels, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

FOURTH COUNT

30. Plaintiff incorporates the averments of paragraphs 1 through 29, as if fully set forth at length herein.

31. Defendant, Officer Cherrick Daniels, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 65 mph with an understanding:

- a. He was driving in excess of 65 mph
- b. The speed limit on South New Prospect Road is 40 mph
- c. There are residences and businesses along South New Prospect Road
- d. It was dark
- e. He violated police standards for pursuit of a driver.

32. The above actions of defendant, Officer Cherrick Daniels violated the Attorney General's vehicle pursuit guidelines and in addition violated the guidelines of Jackson Township's Operating Procedures for vehicle pursuit.

33. As a result of the negligence of the defendant, Officer Cherrick Daniels, as aforesaid, plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

34. Plaintiff, Dana Fiore, as Administratrix of the Estate

of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendant, Officer Cherrick Daniels, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

FIFTH COUNT

35. Plaintiff incorporates the averments of paragraphs 1 through 34, as if fully set forth at length herein.

36. Defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, jointly and/or severally whether intentionally, negligently, carelessly, or recklessly failed to properly hire, train, supervise, or otherwise monitor the police officers of defendant, Jackson Township, for the duties the police officers, including defendant Officer Cherrick Daniels, could foreseeably be expected to perform. Said failures, include, but are not limited to, the following:

- a. The failure to provide adequate training regarding the response to suspected speeding vehicles and vehicle response in general. Including, but not limited to, allowing complete

discretion to officers as to their speed limit, and related safety precautions to better be in control of their vehicle and/or alert the general public as to their speed; and the failure to include policies and procedures related to the road conditions, the type of neighborhood within which the officer is traveling, the experience of the officer, the lighting conditions, and the like.

b. The failure to identify and take remedial training or disciplinary action against police officers who were subject of prior civilian or internal complaints of misconduct or otherwise put the general public at risk of injury or harm.

37. As a direct and proximate result of the aforesaid actions of defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, the plaintiff's decedent, Eric Dean Larson suffered severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of

suit, interest, and any other relief the Court deems just.

SIXTH COUNT

38. Plaintiff incorporates the averments of paragraphs 1 through 37, as if fully set forth at length herein.

39. Defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, jointly and/or severally whether intentionally, negligently, carelessly, or recklessly failed to properly hire, train, supervise, or otherwise monitor the police officers of defendant, Jackson Township, for the duties the police officers, including defendant Officer Cherrick Daniels, could foreseeably be expected to perform. Said failures, include, but are not limited to, the following:

a. The failure to provide adequate training regarding the response to suspected speeding vehicles and vehicle response in general. Including, but not limited to, allowing complete discretion to officers as to their speed limit, and related safety precautions to better be in control of their vehicle and/or alert the general public as to their speed; and the failure to include policies and procedures related to the road conditions, the type of neighborhood within which the officer is traveling, the experience of the officer, the lighting conditions, and the like.

b. The failure to identify and take remedial training or disciplinary action against police officers who were subject of prior civilian or internal complaints of misconduct or otherwise put the general public at risk of injury or harm.

40. As a result of the negligence of the defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as aforesaid, plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

41. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

SEVENTH COUNT

42. Plaintiff incorporates the averments of paragraphs 1 through 41, as if fully set forth at length herein.

43. Defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, jointly and/or severally, whether intentionally, negligently, carelessly, or recklessly allowed a dangerous custom and practice to form among the police officers of defendant, Jackson Township, including defendant, Officer Cherrick Daniels, in responding to suspected speeding vehicles and vehicle response in general. Said dangerous customs and practices include, but are not limited to, allowing police officers including, defendant, Officer Cherrick Daniels, to use excessive speed in response to suspected motor vehicle violation and in vehicle response in general without due regard to road conditions, and other vehicles.

44. The above custom and practice put the general public at risk for injury and death.

45. As a direct and proximate result of the aforesaid intentional, negligent, careless, and/or reckless, conduct of defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, the plaintiff's decedent, Eric Dean Larson suffered severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad

Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

EIGHTH COUNT

46. Plaintiff incorporates the averments of paragraphs 1 through 45, as if fully set forth at length herein.

47. Defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, jointly and/or severally, whether intentionally, negligently, carelessly, or recklessly allowed a dangerous custom and practice to form among the police officers of defendant, Jackson Township, including defendant, Officer Cherrick Daniels, in responding to suspected speeding vehicles and vehicle response in general. Said dangerous customs and practices include, but are not limited to, allowing police officers including, defendant, Officer Cherrick Daniels, to use excessive speed in response to suspected motor vehicle violation and in vehicle response in general without due regard to road conditions, and other vehicles.

48. As a result of the negligence of the defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as

aforesaid, plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

49. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendants, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

NINTH COUNT

50. Plaintiff incorporates the averments of paragraphs 1 through 49, as if fully set forth at length herein.

51. The conduct of defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as described and outlined in the First through Eighth Counts also constitute violations of Article I, paragraph 7 of the New Jersey Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq.

52. As a direct and proximate result of the defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, violations of Article I, paragraph 7 of the New Jersey Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq., plaintiff's decedent, Eric Dean Larson suffered severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

TENTH COUNT

53. Plaintiff incorporates the averments of paragraphs 1 through 52, as if fully set forth at length herein.

54. The conduct of defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as described and outlined in the First through Eighth Counts also constitute violations of Article I, paragraph 7 of the New Jersey

Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq.

55. As a direct and proximate result of the defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, violations of Article I, paragraph 7 of the New Jersey Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq., plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

56. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

ELEVENTH COUNT

57. Plaintiff incorporates the averments of paragraphs 1

through 56, as if fully set forth at length herein.

58. At all times relevant herein and at the time the individual defendants, Officer Cherrick Daniels and John Does 1-10, committed the intentional, negligent, careless, and/or reckless acts described herein, the individual defendants were acting within the scope of their authority and employment as a police officer, and/or other agent, servant, employee, manager, director, or supervisor of defendant Jackson Township in pursuance of the authority given such individuals by defendant Jackson Township and such individuals were acting or attempting to act in the interest of defendant Jackson Township pursuant to instructions, commands, orders, and/or inactions of defendant, Jackson Township.

59. Defendant, Jackson Township is liable for these individual defendants in respondeat superior.

60. Defendant, Jackson Township, as a direct and proximate result and/or in conjunction with others through their aforementioned actions or inactions and/or in conjunction with other factors described herein, caused plaintiff's decedent, Eric Dean Larson to suffer severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendant, Jackson Township, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

TWELFTH COUNT

61. Plaintiff incorporates the averments of paragraphs 1 through 60, as if fully set forth at length herein.

62. At all times relevant herein and at the time the individual defendants, Officer Cherrick Daniels and John Does 1-10, committed the intentional, negligent, careless, and/or reckless acts described herein, the individual defendants were acting within the scope of their authority and employment as a police officer, and/or other agent, servant, employee, manager, director, or supervisor of defendant Jackson Township in pursuance of the authority given such individuals by defendant Jackson Township and such individuals were acting or attempting to act in the interest of defendant Jackson Township pursuant to instructions, commands, orders, and/or inactions of defendant, Jackson Township.

63. Defendant, Jackson Township is liable for these

individual defendants in respondeat superior.

64. Defendant, Jackson Township, as a direct and proximate result and/or in conjunction with others through their aforementioned actions or inactions and/or in conjunction with other factors described herein, caused plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

65. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendant, Jackson Township for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

THIRTEENTH COUNT

66. Plaintiff incorporates the averments of paragraphs 1 through 65, as if fully set forth at length herein.

67. The conduct of all defendants, Officer Cherrick Daniels,

Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as described and enumerated in all prior paragraphs and causes of action constitute willful and outrageous conduct.

68. As a direct and proximate result of the defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, willful and outrageous conduct, plaintiff's decedent, Eric Dean Larson to suffer severe injuries ultimately leading to his death, which has caused a substantial pecuniary loss within the meaning of N.J.S.A. 2A31-1 et. Seq.

WHEREFORE, plaintiff, Dana Fiore, as Administratrix Ad Prosequendum for the heirs a law of Eric Dean Larson, deceased demands judgment in her favor and against defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, for punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

FOURTEENTH COUNT

69. Plaintiff incorporates the averments of paragraphs 1 through 68, as if fully set forth at length herein.

70. The conduct of all defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10, as described and enumerated in all prior paragraphs and causes of action constitute willful and outrageous conduct.

71. As a result of the negligence of the defendants, as aforesaid, plaintiff's decedent, Eric Dean Larson sustained severe, painful bodily injuries, which caused him great pain and suffering and incapacitated him from pursuing his usual employment and other activities until his death on July 27, 2018.

72. Plaintiff, Dana Fiore, as Administratrix of the Estate of Eric Dean Larson, seeks all benefits to which the Estate is entitled pursuant to the Survival Act of the State of New Jersey, N.J.S.A. 2A:15-3, its amendments and supplements.

WHEREFORE, plaintiff, Dana Fiore, As Administratrix of the Estate demands judgment in her favor and against defendants, Officer Cherrick Daniels, Jackson Township, John Does 1-10, and/or ABC Corporations 1-10 for punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

JURY DEMAND

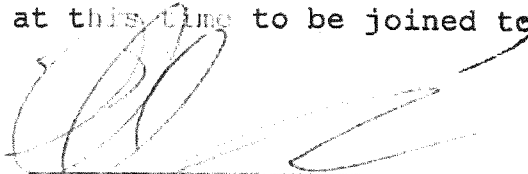
Plaintiff hereby demands a trial by jury as to all issues.

TRIAL COUNSEL DESIGNATION

Please take notice that pursuant to the provisions of Rule 4:25-4, DONALD M. LOMURRO, ESQUIRE is hereby designated as trial counsel on behalf of the plaintiffs.

NOTICE OF OTHER ACTIONS

We hereby certify pursuant to Rule 4:5-2 that this matter is not the subject of any other civil action pending in any Court or of a pending arbitration proceeding, and that there exist no other known parties at this time to be joined to this action.


DONALD H. LOMURRO

Dated: July 15, 2019

Civil Case Information Statement

Case Details: OCEAN | Civil Part Docket# L-001777-19

Case Caption: FIORE DANA VS JACKSON TOWNSHIP

Case Initiation Date: 07/15/2019

Attorney Name: DONALD M LOMURRO

Firm Name: LOMURRO MUNSON COMER BROWN &
SCHOTTLAND LLC

Address: 4 PARAGON WAY SUITE 100
FREEHOLD TWP NJ 07728

Phone:

Name of Party: PLAINTIFF : Fiore, Dana

Name of Defendant's Primary Insurance Company
(if known): None

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (VERBAL
THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? «sandyRelated»

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO

Title 59? YES

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

07/15/2019
Dated

/s/ DONALD M LOMURRO
Signed

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 504-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: JULY 15, 2019
RE: FIORE DANA VS JACKSON TOWNSHIP
DOCKET: OCN L -001777 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK A. TRONCONE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 504-0700.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: DONALD M. LOMURRO
LOMURRO MUNSON COMER BROWN &
4 PARAGON WAY
SUITE 100
FREEHOLD TWP NJ 07728

ECOURTS